IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Robert L. Locklear, # 263456,) C/A No. 6:06-0955-CMC-WMC
Petitioner,	OPINION AND ORDER
v.)
Anthony Padula, Warden of Lee)
Correctional Institution; South Carolina)
Department of Corrections; and Henry)
McMaster, Attorney General of South)
Carolina,)
)
Respondents.)
)

Petitioner, a state inmate proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on March 28, 2006. He is currently incarcerated at Lee Correctional Institution of the State of South Carolina, where he is serving a sentence of 22 years for Criminal Sexual Conduct With a Minor 1st degree, and 10 years for Committing or Attempting a Lewd Act upon a Child. Respondents filed a motion for summary judgment on July 19, 2006. By order filed July 21, 2006, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), Petitioner was advised of the summary judgment procedure and the possible consequences if he failed to adequately respond to the motion. Petitioner filed his response to the motion on August 25, 2006.

In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge William M Catoe.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for

6:06-cv-00955-CMC Date Filed 03/12/07 Entry Number 20 Page 2 of 2

clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d

310 (4th Cir. 2005) stating that "in the absence of a timely filed objection, a district court need not

conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of

the record in order to accept the recommendation." (quoting Fed. R. Civ. P. 72 advisory committee's

note).

Based on his review of the record, the Magistrate Judge has recommended that the petition for

habeas corpus relief be denied and that Respondents' motion for summary judgment be granted. The

Magistrate Judge advised Petitioner of his right to file objections to the Report and the serious

consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has

expired.

After reviewing the Petition, the motion, the response, the record, the applicable law, and the

Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the

Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

Therefore, it is

ORDERED that the petition for habeas corpus relief is denied and that Respondents' motion

for summary judgment is **GRANTED** and this action is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina March 12, 2007

2